

Appeal of PL21-0035

Site Improvements at 8120 Puesta Del Sol

Presented by:
Beth Collins
Attorney at Law







8120 Puesta Del Sol

Reasons for this Appeal

#1: The proposed fence height reduction.

#2: The lack of protection of 3 large Monterey Cypress trees and ESHA.

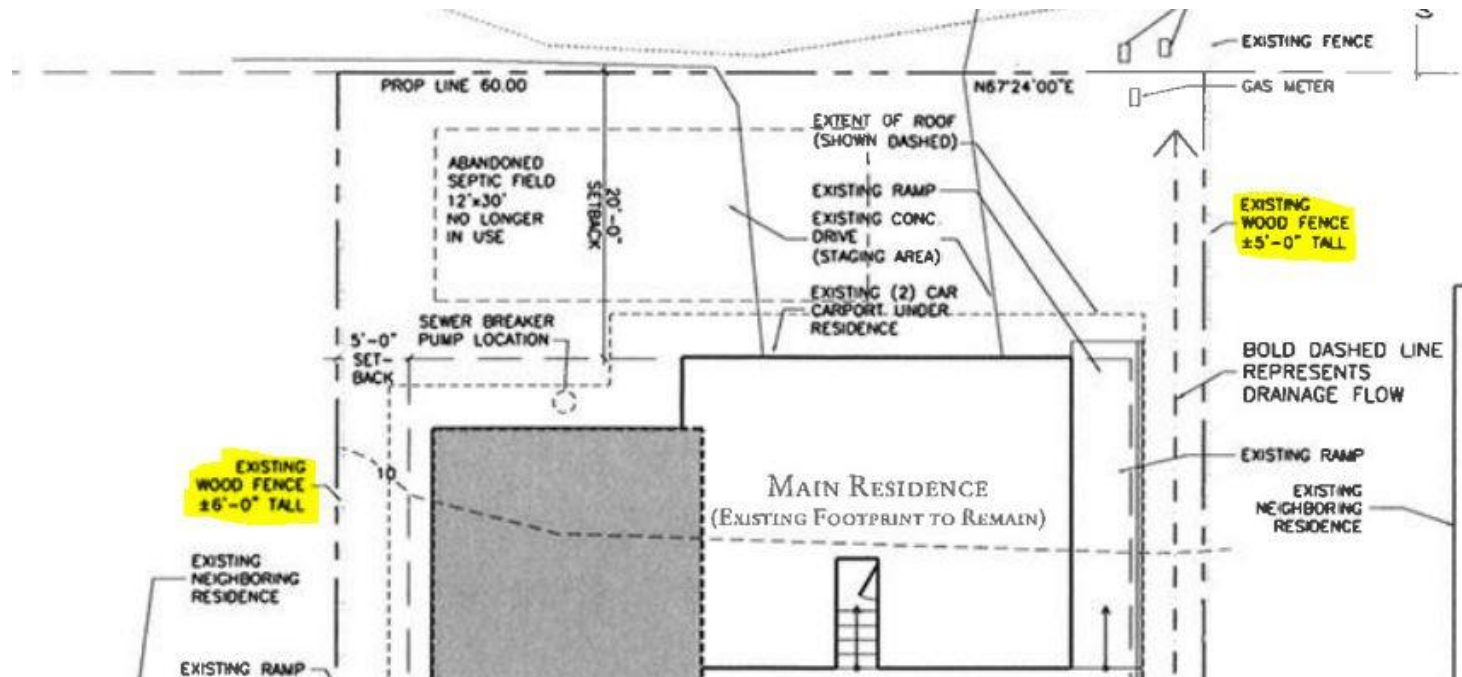
#3: New fencing, thousands of square feet of pebbles, and new trash enclosure improper in a floodway without review from Flood Control.

Additionally, we disagree with Staff's claim this CDP is not appealable to the Coastal Commission.

#1: The Fence Height Reduction Is Unnecessary

Existing fences are permitted, ***so no reduction needed.***

Permit PL17-0084 included the existing six (6) foot fence along the western property line, and the existing five (5) foot fence along the eastern property line.



Existing Permitted 6' Fence on
Western PL (behind trash
enclosure fencing)





Existing Permitted 5'
Fence on Eastern PL



The height reduction is not required to *replace a permitted* fence in the setback.



Fence height reduction is not required for sight clearance.
Existing permitted fence does not block views to or from Puesta del Sol.



Fence height reduction is not required for sight clearance.
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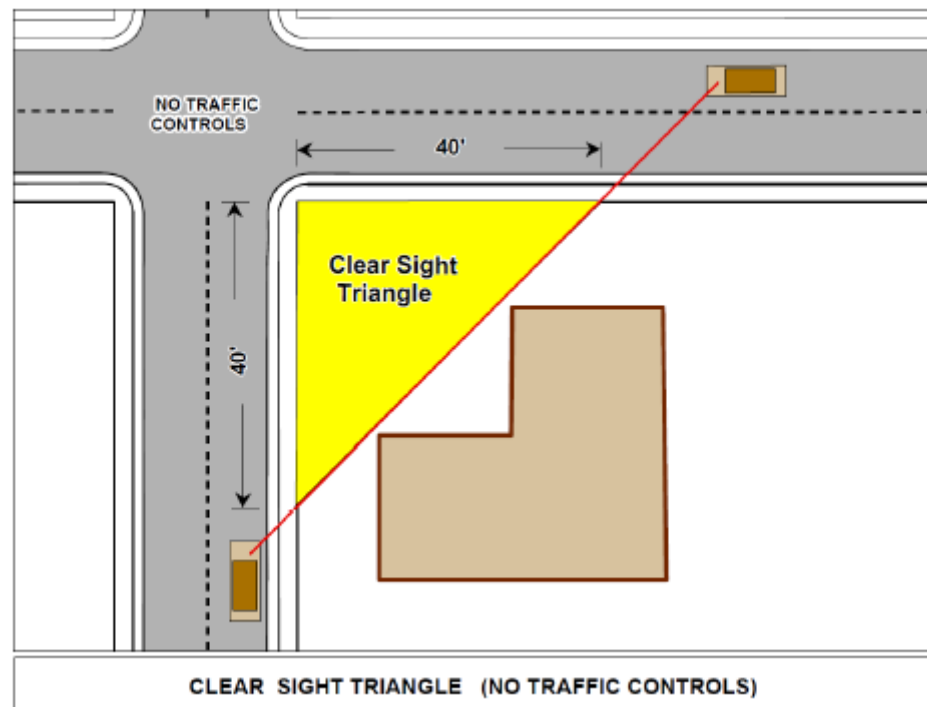
Sec. 8175-3.8 - Clear Sight Triangles

Clear Sight Triangles shall be provided in the following circumstances:

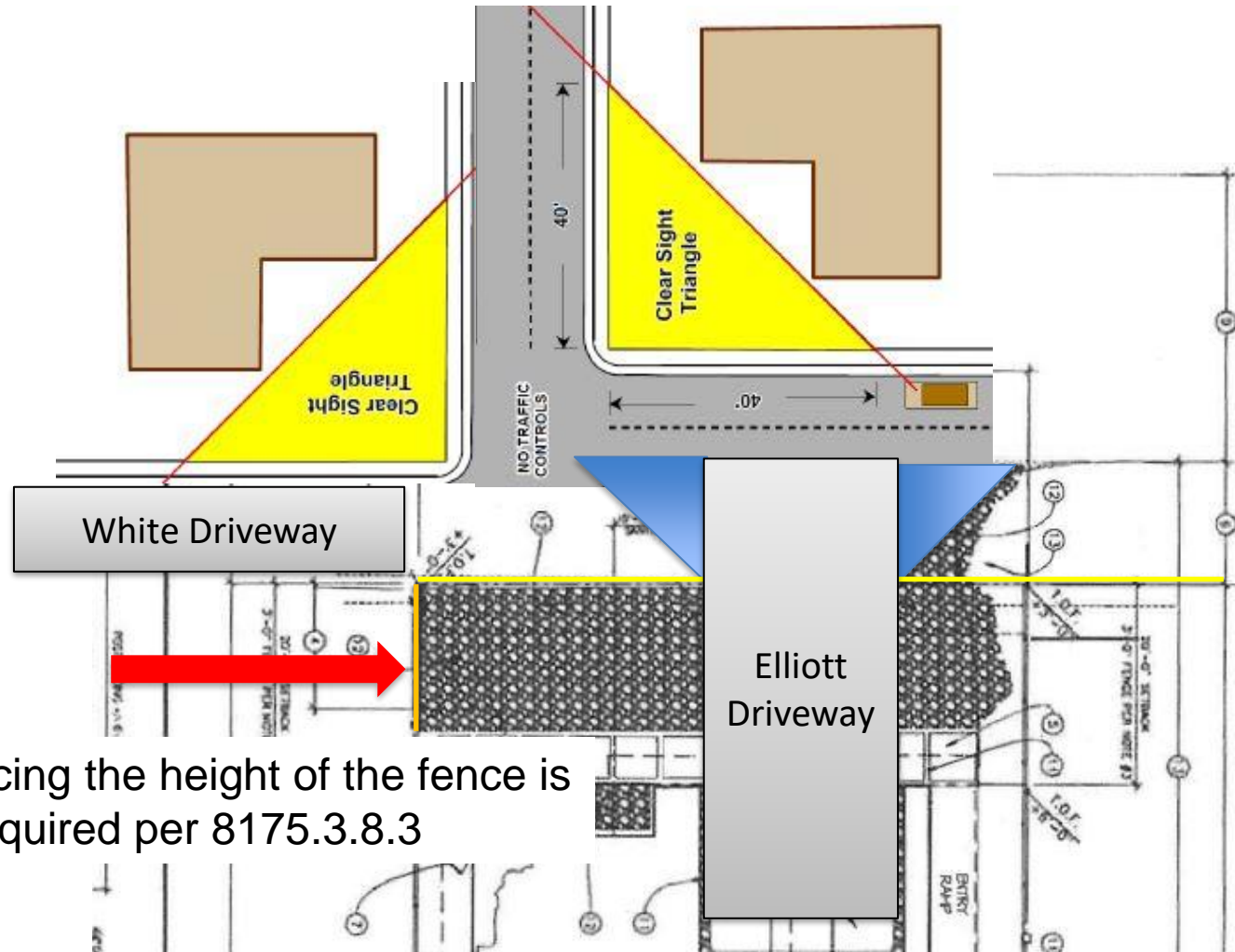
Sec. 8175-3.8.1 - Clear Sight Triangle at Intersections with No Traffic Control

Where there is no traffic control on any street at an intersection, a *clear sight triangle* shall be provided at each corner of the intersection as shown in Figure 1 below:

Figure 1



Fence height reduction is not required for sight clearance.
Existing permitted fence does not block views to or from Puesta del Sol.



Reducing the height of the fence is
not required per 8175.3.8.3

A fence height reduction also inconsistent with the Coastal Zoning Ordinance required findings.

Sec. 8181-3.5 - Required Permit Findings

Discretionary permits may only be granted if all billed fees and charges for processing the application request that are due for payment have been paid, and if all of the following standards are met or if conditions and limitations, including time limits, as the *decision-making authority* deems necessary are imposed to allow it to meet said standards. The applicant shall have the burden of proving to the satisfaction of the appropriate *decision-making authority* that the following standards can be met. Specific factual findings shall be made to support the conclusion that each of these standards, if applicable, can be satisfied:

- a. The proposed *development* is consistent with the intent and provisions of the County's Certified LCP;
- b. The proposed *development* is compatible with the character of surrounding *development*;
- c. The proposed *development*, if a conditionally *permitted use*, is compatible with planned land *uses* in the general area where the *development* is to be located.
- d. The proposed *development* would not be obnoxious or harmful, or impair the utility of neighboring property or *uses*;
- e. The proposed *development* would not be detrimental to the public interest, health, safety, convenience, or welfare.

Not compatible with surrounding development.

Many surrounding homes have 6-foot tall fences and shrubs



8132 Puesta Del Sol



8113 Puesta Del Sol

Many surrounding homes have 6-foot tall fences and shrubs



8134 Puesta Del Sol



8133 Puesta Del Sol

Many surrounding homes have 6-foot tall fences and shrubs



8126 Buena Fortuna



8112 Puerta Del Sol

A fence height reduction would be inconsistent with the Coastal Zoning Ordinance required findings.

Sec. 8181-3.5 - Required Permit Findings

Discretionary permits may only be granted if all billed fees and charges for processing the application request that are due for payment have been paid, and if all of the following standards are met or if conditions and limitations, including time limits, as the *decision-making authority* deems necessary are imposed to allow it to meet said standards. The applicant shall have the burden of proving to the satisfaction of the appropriate *decision-making authority* that the following standards can be met. Specific factual findings shall be made to support the conclusion that each of these standards, if applicable, can be satisfied:

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- d. The proposed *development* would not be obnoxious or harmful, or impair the utility of neighboring property or *uses*;
- e. The proposed *development* would not be detrimental to the public interest, health, safety, convenience, or welfare.

**Fence provides screening for the neighbors and privacy for the Whites.
Reducing fence to 3 feet would be detrimental to neighborhood and Whites.**

**Fence provides screening for the neighbors, safety for their dog and privacy in their front courtyard.
A three-foot fence is inadequate and unnecessary.**

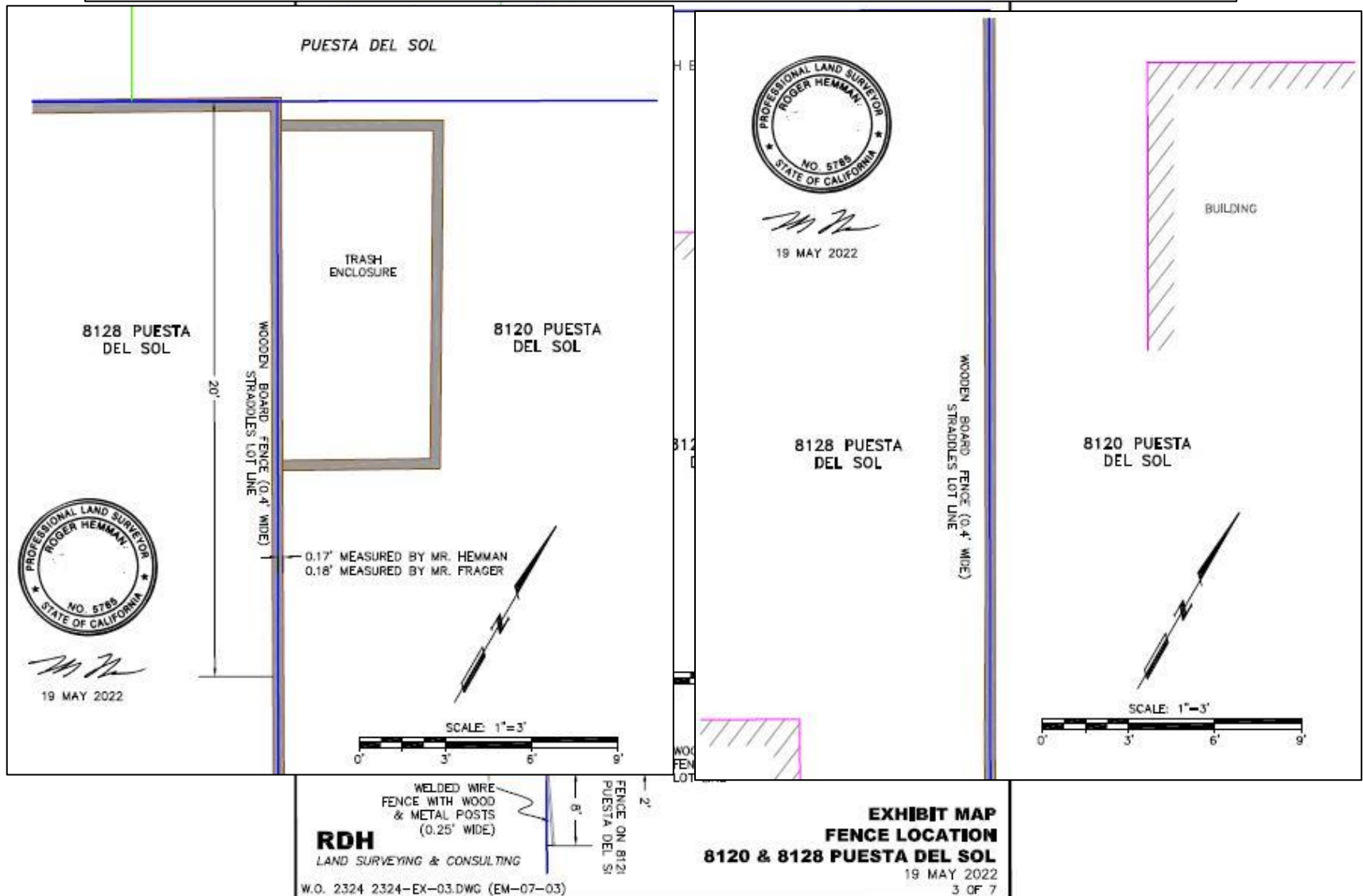
White's
existing 6'
Fencing



Proposed
fence
height
reduction
area



Survey of fence and posts show that they span the shared property line and is NOT solely located on the Elliott Property.



PREPARED BY:
RDH LAND SURVEYING & CONSULTING
P.O. BOX 8545
GOLETA, CA 93118
(805) 692-1500

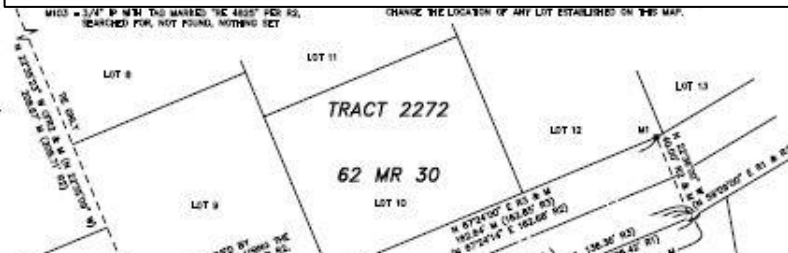
ENT

THIS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN
FURTHERANCE OF THE PROFESSIONAL LAND SURVEYOR'S ACT
IN JULY 2022.



R1 = UWF 20225
R2 = 62 MR 35-32
R3 = 45 RS 12
R4 = BN 1885, PG 282 O.R. & DOC.
HO, 20170135-00031443 O.R.
R5 = BN 2410, PG 153 O.R. & DOC. NO.
1989-083131 O.R.
R6 = UNRECORDED SURVEY BY WARTH

FD = FOUND
CONC = CONCRETE
P = HIGH PILE
O.R. = OFFICIAL RECORDS
RS = RECORDS OF SURVEY
SUB = SUBSURFACE
UMF = UNRESTRICTED MAP FILE



THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8708 OF THE
PROFESSIONAL LAND SURVEYOR'S ACT THIS _____ DAY OF _____ 2023.

DANIEL J. WALSH
COUNTY SURVEYOR
COUNTY OF VENTURA

DEBORAH L. NAVES, PLS. 0835
DEPUTY COUNTY SURVEYOR

UNRECORDED
SURVEY BY
ROBERT
MARTIN

M232
INSTRUMENT NO.
UNRECORDED SURVEY

BY ELECTRONIC MAIL

THE MONUMENTS SHOWN ON THE UNRECORDED SURVEYS BY MR. MARTIN AND MR. GARNER WERE NOT USED FOR CONTROL FOR THIS SURVEY.

ON THE MAP IN PAF 00053 [21] MORE
SPECIFICALLY, THE SOUTHERLY LINE OF
PISTA DEL SOL WAS EXTENDED BY USING
THE SOUTHERLY LINE OF PISTA DEL SOL
IN THE NORTH LINE OF PISTA DEL SOL AS
A GUIDE. THE SOUTHERLY LINE OF PISTA
DEL SOL IN THE WESTLY LINE OF THE
RATED PARCEL (22) AS SHOWN ON THE MAP
IN PAF 00053 [21] WAS USED TO DETERMINE
THE SOUTHERLY LINE OF PISTA DEL SOL.
SURVIVORS OPINION THAT THESE
WITNESSES BEST REPRESENT LOCATION OF
PISTA DEL SOL IN THE WESTLY LINE OF
THE RATED PARCEL (22) AS SHOWN ON THE

PAGE 02, PAGES 30-33 OF MISCELLANEOUS RECORD (22) AND THE RECORD OF
SURVEY PLOT IN BOX 45, PAGE 12 OF RECORDS OF SURVEYS [23] NOT ALL
OF THE SURVEY RECORDS WERE IDENTIFIED AS BEING AT THE SURVEY
DRIVEN.

MR. DONALD WHITE, ONE OF THE TRUSTEES OF THE DOUGLAS AND ALLEN WHITE
TRUST DATED FEBRUARY 28, 1966, PROVIDED THE SURVEYOR AN ELECTRONIC
COPY OF THE RECORDS OF SURVEYS [23] AND THE RECORD OF SURVEY PLOT IN
THE MAP WAS DATED JULY 1966. MR. WHITE ALSO PROVIDED THE SURVEYOR AN
ELECTRONIC COPY OF THE RECORDS OF SURVEYS [23] AND THE RECORD OF SURVEY
PLOT IN THE MAP WAS DATED JULY 1966. MR. WHITE STATED THAT HE, MR.
MR. ROBERT GARNER, IS 32328. THIS MAP IS DATED APRIL 1, 1966. A FULL
COPY OF THIS SURVEY WAS NOT AVAILABLE. THESE MAPS HAVE BEEN PROVIDED
TO THE SURVEYOR FOR HIS REVIEW AND COMMENT.

VENTURA COUNTY RECORDER IN BOOK 18, PAGE 19 OF
MISCELLANEOUS RECORDS

IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF
VENTURA, STATE OF CALIFORNIA

JANUARY 2023

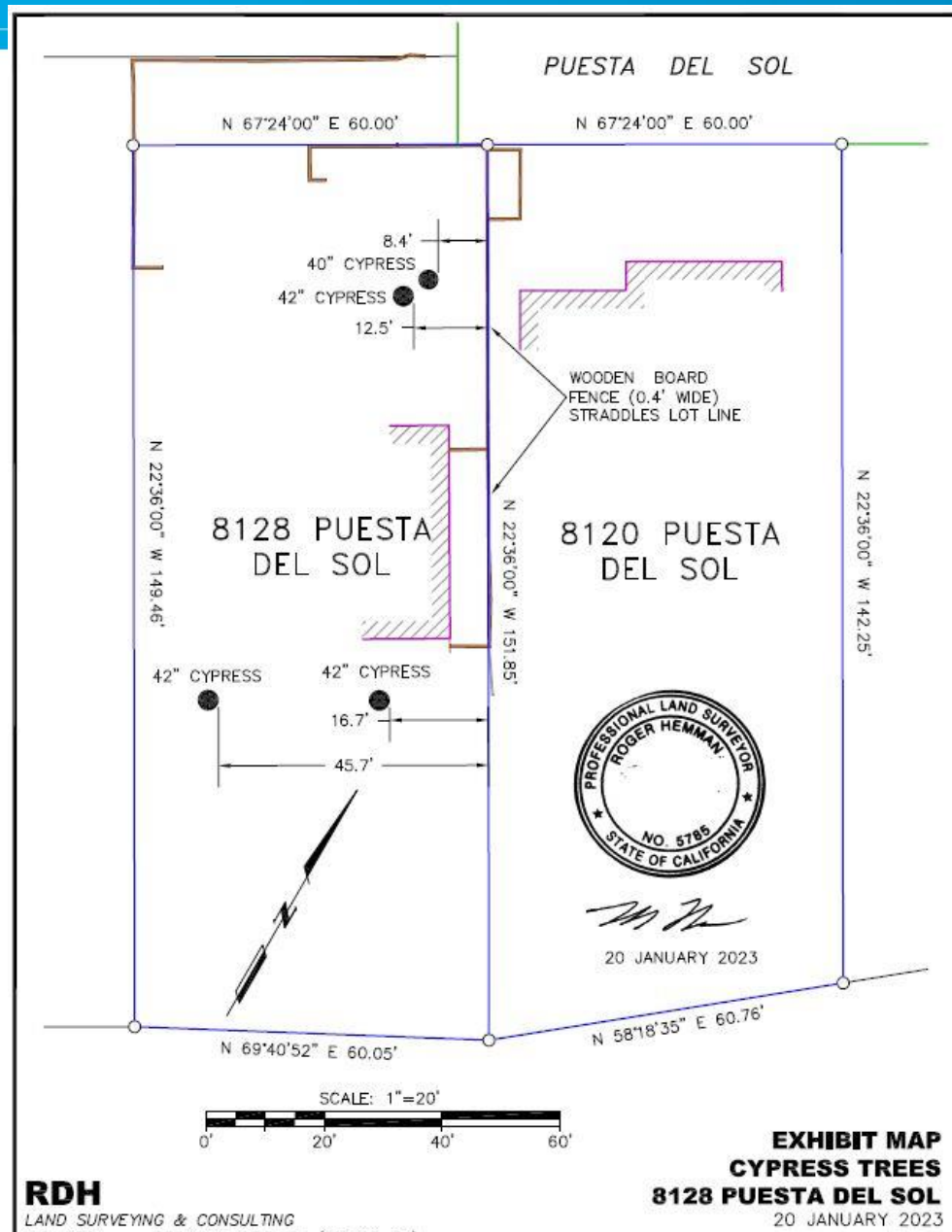
W.O. 2234.0

SHEET 1 OF 1 SHEET

bhfs.com

Reason for Appeal #2: Inadequate Protection of Three Existing Monterey Cypress Trees and ESHA

- Three existing Monterey Cypress trees are NOT shown on PL21-0035 plans and NOT in the project description.
- Proposed conditions fail to protect the 3 existing Monterey Cypress trees directly adjacent to the proposed ground disturbance area within their driplines.
- There is no mention of this project being within an ESHA due to location within 500' of a wet environment.











ARBORISTS FIELD REPORT - RE: 8120 Puesta Del Sol, Rincon Pt, CA

Prepared for:

Neal Maguire-Attorney -Ferguson, Case, Orr, Patterson LLP
1050 South Kimball Rd.
Ventura, CA 93004
805.659.6800 ext. 217 / nmaguire@fcoplaw.com

March 5, 2021

BACKGROUND

The owners of the subject property are planning to replace their existing deteriorating asphalt driveway with new hardscape. The adjacent neighbor (Mr. White) to the west is concerned about impacts to his cypress tree from this repair. In an effort to evaluate any impacts, I had recommended carefully digging an exploratory trench to look for roots that may be damaged from the project. I was on the site during January 4, 2021 to participate in this exploration.

The project description in the arborist report only describes the replacement driveway. There is no mention of the new fence and posts within the driplines.

4. **Project Description:** This matter involves the appeal of the Planning Commission's approval of a SPAJ (Case No. PL21-0035) to a Coastal PD Permit (Case No. PL17-0084) to replace an existing driveway and fence. The existing asphalt driveway would be removed and replaced with a concrete driveway, pedestrian paving squares, and Mexican beach pebbles. The pebbles will be confined to the designated areas by a landscape bender board or similar border. An existing six foot high fence located along the northeast and southwest lines, including a trash enclosure located in the front setback adjacent southwest property line, will be replaced with a new fence, which will be in height in the 20 foot front setback, and six feet in height in the portion. **To protect the roots of a cypress tree** located on the neighbor to the southwest (APN 008-0-170-340), the project description includes protection measures and monitoring included in the Arborist Field Report March 5, 2021, and amended on August 6, 2021, which are to be adhered to during construction.

“a” Cypress tree

“the” Cypress tree

Arborist Field Report: 8120 Puesta Del Sol, Rincon Pt

Mar 5, 2021

CONCLUSIONS & RECOMMENDATIONS

- Due to the sandy soil and the high moisture, most roots are much deeper than immediately below the asphalt layer, especially further from the trunk.
- There will be no impact to the tree from removal of the asphalt and construction of the new concrete driveway.
- Demolition of the asphalt should be done with a breaker and the debris manually removed.
- Excavation for fence posts should be manually dug while looking for large diameter roots. In the event large roots are encountered (greater than 1" in diameter) the hole should be adjusted to avoid or minimize damage.
- The project arborist should monitor the activities within the dripline the adjacent cypress tree.
- Refer to the driveway plan for more details.

Please contact me with any questions.

Prepared by: Bill Spiewak

Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists
Qualified Tree and Shrub Appraiser

Board Certified Master Arborist #310B
International Society of Arboriculture
Qualified Tree Risk Assessor



CONCLUSIONS & BRECOMMENDATIONS

- Due to the sandy soil and the high moisture, most roots are much deeper than immediately below the asphalt layer, especially further from the trunk .
- There will be no impact to the tree from removal of the asphalt and construction of the new concrete driveway.
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- Refer to the driveway plan for more details.

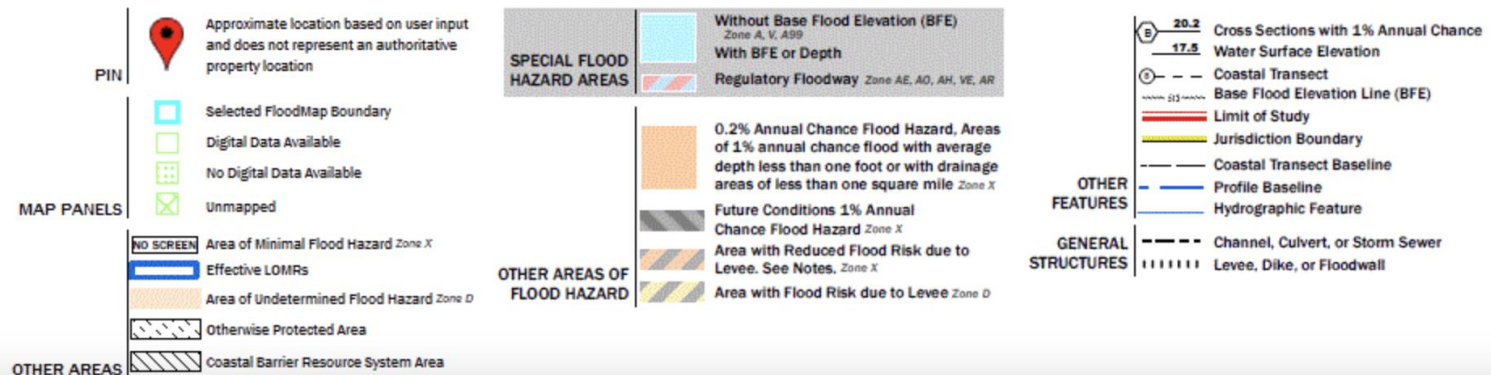
Arborist recommendations did not become conditions of approval. Arborist letter mentioned in the project description, but the conditions do not require an arborist to be present during demolition and construction, nor for the fence posts to be dug manually.

The current Coastal Zoning Ordinance requires all new/modified development, including repair and maintenance activities, that require a CDP or a discretionary modification and are within the 100-foot ESHA buffer or within 500 feet of a wet environment to comply with Section 8178.2 regarding Environmentally Sensitive Habitat Areas (ESHA).

As a Board, how can you be certain the three Monterey Cypress trees will be protected when, they are NOT shown on the plans, NOT described in the project descriptions and the conditions do NOT include the applicant arborist's recommendations?

This appeal comes to your Board for a hearing de novo, or anew. This means your Board is required to conduct a public hearing regarding the Planning Commission's approval of the subject SPAJ application, just as if the matter came to your Board in the first instance. Your Board must decide whether to approve or deny the SPAJ request pursuant to Section 8181-10.4.2(a) of the CZO, which, requires that the proposed land use, structure or construction "would not alter any of the findings made pursuant to Section 8181-3.5, nor any findings of approval for the permit or any findings contained in the environmental document prepared for the project, and would not have any adverse impact on the subject site or surrounding properties." It further requires that the proposed land use "shall not circumvent the purpose or lessen the effectiveness of the approved permit conditions and must be consistent with all other provisions of the [Local Coastal Program]."

Reason for Appeal #3: New fencing, thousands of square feet of pebbles, and new trash enclosure cannot be placed in a floodway without a No-Rise Certificate from a licensed engineer.



2018 Debris Flow



January 2023 Storms



January 2023 Storms



County of Ventura's Flood Plain Management Ordinance 4521:

5.6 FLOODWAYS

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within FIRM Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the unincorporated areas of Ventura County.
- B. Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited within an adopted regulatory floodway unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Placement of new residential structures within the adopted regulatory floodway is prohibited.
- C. If **Sections 5.6.A & B** are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of **Section 5**.



COUNTY OF VENTURA
FLOODPLAIN DEVELOPMENT
APPLICATION (FP 2016/17-009)

City of Ventura
Floodplain Permit No. **FD17-009**
See special conditions **12-18-22**
Approved By *[Signature]*
Stamp and
Initial Here **CFM**
Floodplain Manager

This Floodplain Permit Application is to be accompanied by one (1) complete set of building plans which illustrate all proposed structures and construction details, topography, FEMA-determined Base Flood Elevations, drainage facilities, areas of grading, fill placement, excavation, and other features pertinent to the proposed development. Calculations defining the proposed development shall also be included with the plans.

FP Permit (Fee Deposit) Residence & Detached Garage	\$ 425.00	Date Paid _____	Receipt No. _____
FP Permit (Fee Deposit) Non-Residence & Floodproof Cert.	\$ 1,000.00	Date Paid _____	Receipt No. _____
FP Permit (Fixed Fee) for Simple Projects & FP Cert.	\$ 465.00	Date Paid _____	Receipt No. _____
Annual FP Development Permit (Deposit) Ag & Non-Ag	\$ 1,375.00	Date Paid _____	Receipt No. _____
Elev. Cert. Review (Fee Deposit) Review & Inspection	\$ 590.00	Date Paid _____	Receipt No. _____
50% Substantial Improvement (Fee Deposit)	\$ 500.00	Date Paid _____	Receipt No. _____
Floodplain Development Permit - Fast Track (Fixed)	\$1,235.00	Date Paid _____	Receipt No. _____
FEMA Processing Fee CLOMR / LOMR (if applicable)	\$4,625.00	Date Paid _____	Receipt No. _____

Flood Control's permit for PL17-0084 states:

If a change to the project occurs after the issuance of this permit and applicant decides to construct and expand the existing footprint then a "No-rise Certificate" will be required. This No-rise Certification must be supported by technical data and signed by a registered professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM)

Assessor's Parcel Number: 008-0-170-200

The required No-Rise Certification was not prepared for this project PL21-0035.

Project description in detail of proposed development, including construction, and temporary and permanent on-site storage of materials, if proposed: Renovation of/addition to existing 1950s residence. First floor renovation of 2 bedrooms, 3 baths and laundry. Addition of new stair to new second floor which stacks above existing first floor footprint and contains 2 bedrooms and 2 bath.

SECTION III: FLOOD INSURANCE RATE MAP (FIRM) DATA

FIRM ZONE: Floodway AE FIRM SUFFIX: AE PANEL No. 06111C0701E
BASE FLOOD ELEVATION (NGVD 1929) _____ (FT. OR DEPTH IN AO AND AH ZONES)
BASE FLOOD ELEVATION (NAVD 1988) 15.00 (FT. OR DEPTH)
100-YEAR FLOODPLAIN VELOCITY (if known) _____ FEET PER SECOND.

I hereby certify that I have read this Floodplain Development Application and state that the above information is correct, and that all permitted acts shall be in accordance with the Ventura County Floodplain Management Ordinance and any approved plans. In consideration of Ventura County issuing this Permit, the Applicant agrees to comply with all terms of this Permit, including any general and special provisions.

[Signature]
Applicant or Authorized Representative's Signature & Title

6-12-17
Date

It appears Flood Control is unaware that the project:

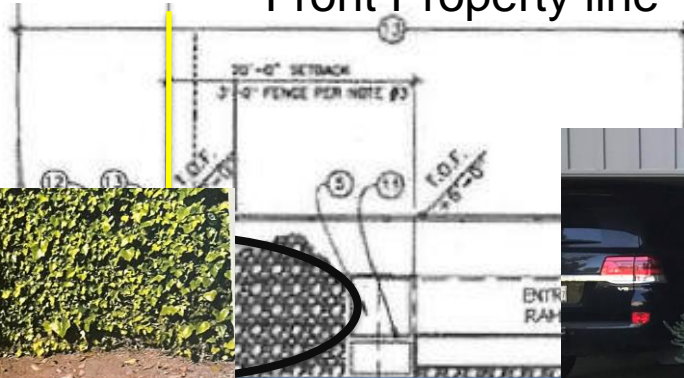
- **Involves thousands of square feet of new pebbles**
- **New trash enclosure**

Flood Control's approval memorandum PL21-0035 excludes mention of pebbles and says the trash enclosure is "existing".

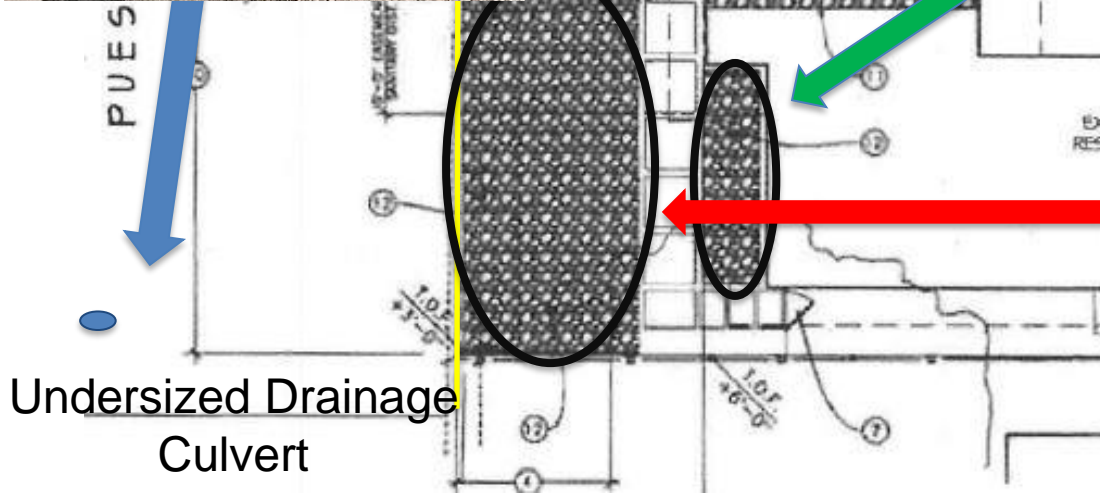
PROJECT DESCRIPTION:

Site Plan Adjustment (SPAJ) to Coastal Planned Development Permit (PD) (Case No. PL17-0084) for the re-design to the **existing hardscape driveway**, the installation of a new fence along the eastern and western property lines, and the repair of an **existing trash enclosure**. This SPAJ includes an Arborist Report and Tree Protection Plan.

Front Property line



concrete driveway



The Project Descriptions in Permit and Staff Report only describe the pebbles as part of the driveway replacement.

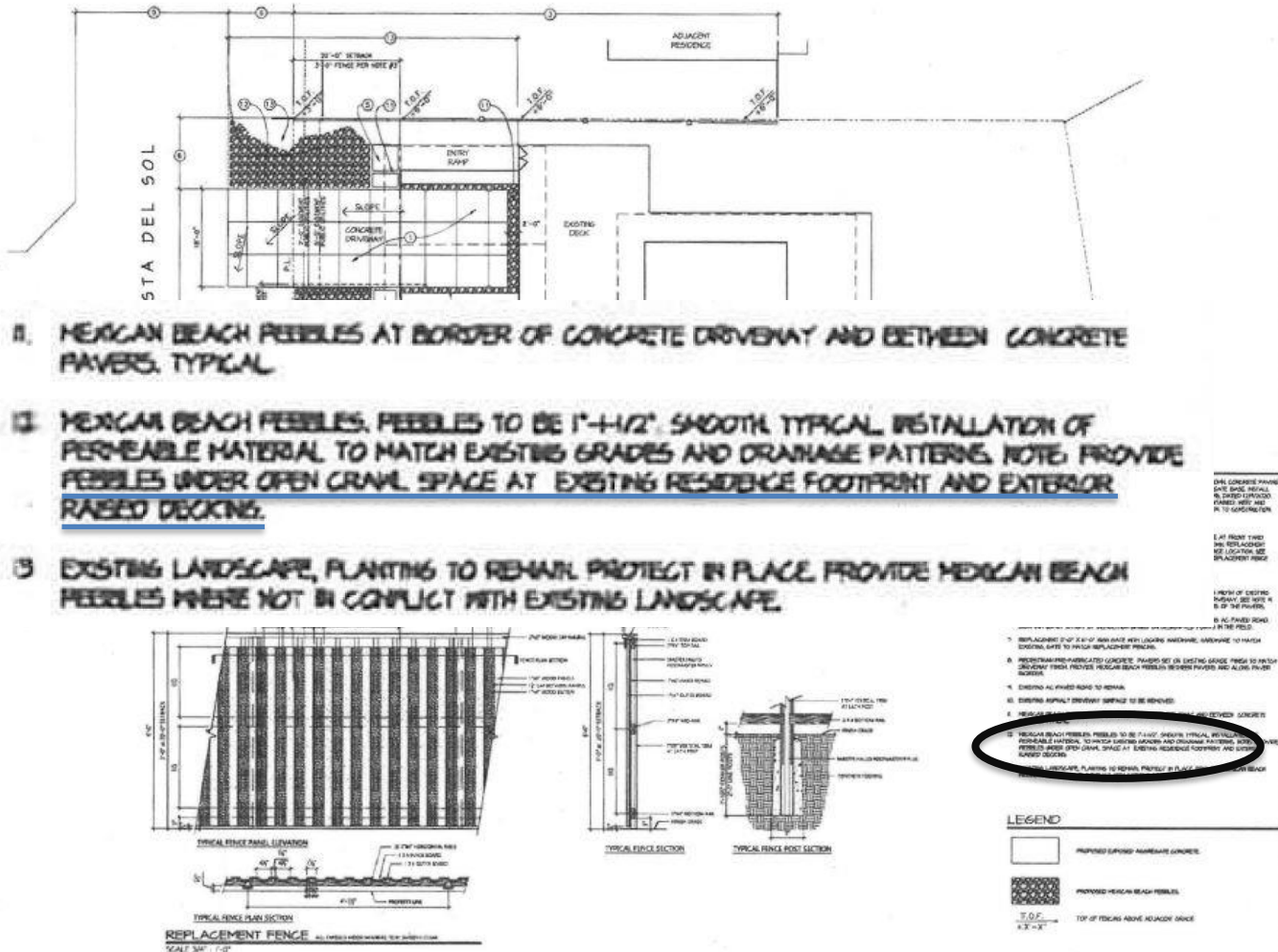
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The following Project Description is a Site Plan Adjustment Case No. PL21-0035 to Coastal PD Permit Case No. PL17-0084:

Exterior modifications to repair the existing driveway and the removal and replacement of an existing fence. The repair to the driveway consists of removal of the existing pavement and the addition of a concrete driveway, pedestrian paving squares and pebbles. Fence modifications include the removal and replacement of fencing located along the northeast and southwest property lines, including a trash enclosure located in the front setback adjacent to the southwest property line. All fencing in the 20 foot (ft.) front setback will be three feet in height (from grade) with the remaining portion measuring six feet in height (from grade). Tree protection measures (Conditions 20 and 21) and the Arborist Report

Although not clearly shown on approved site plan, note #12 indicates the Mexican pebbles will ALSO cover the dirt below the raised house and decks.

Exhibit 6



RASMUSSEN & ASSOCIATES
Architects

SITE PLAN
PROJECT NO. 12345
DATE: 12/15/2023
SCALE: 1/8" = 1'-0"

ELLIOTT RESIDENCE
GREG & MICHELLE ELLIOTT
8120 PUESTA DEL SOL
RIMON POINT, CALIFORNIA 92013

Sheet No. **A1.1**

Thousands of square feet of pebbles have been installed already without a permit.



There is no street parking, so the proposed pebbles in the front yard may displace the guest parking.





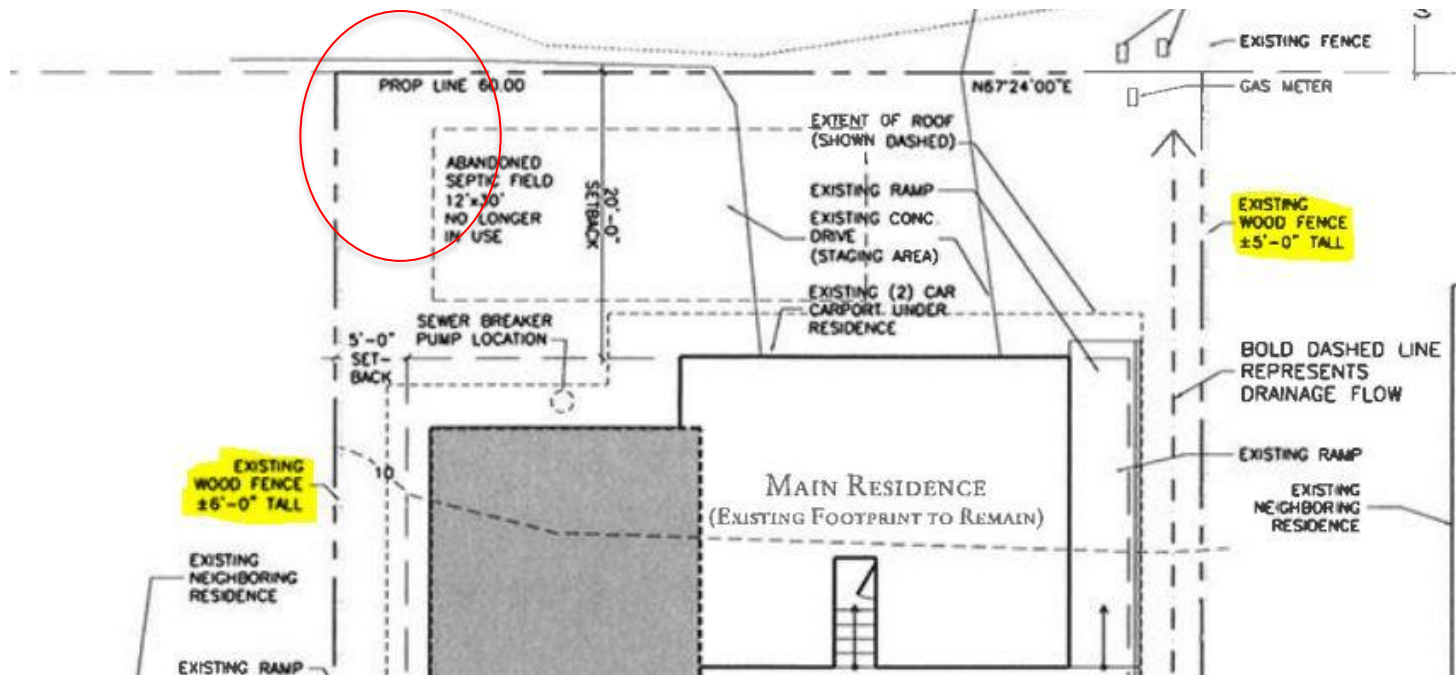
Pebbles will get pushed around by vehicles and storms and clog inlet





Trash Enclosure

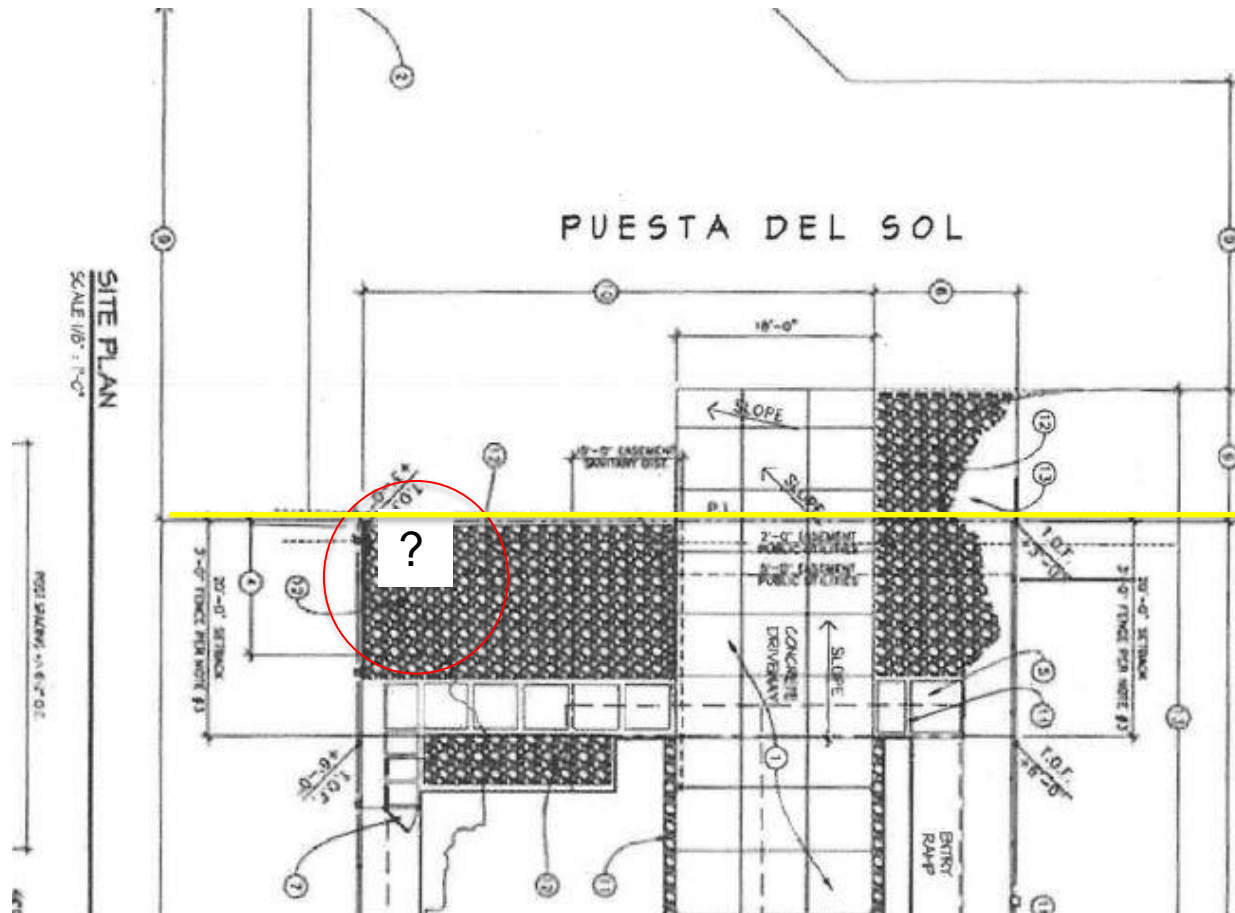
The original PL17-0084 permit did not include the trash enclosure.



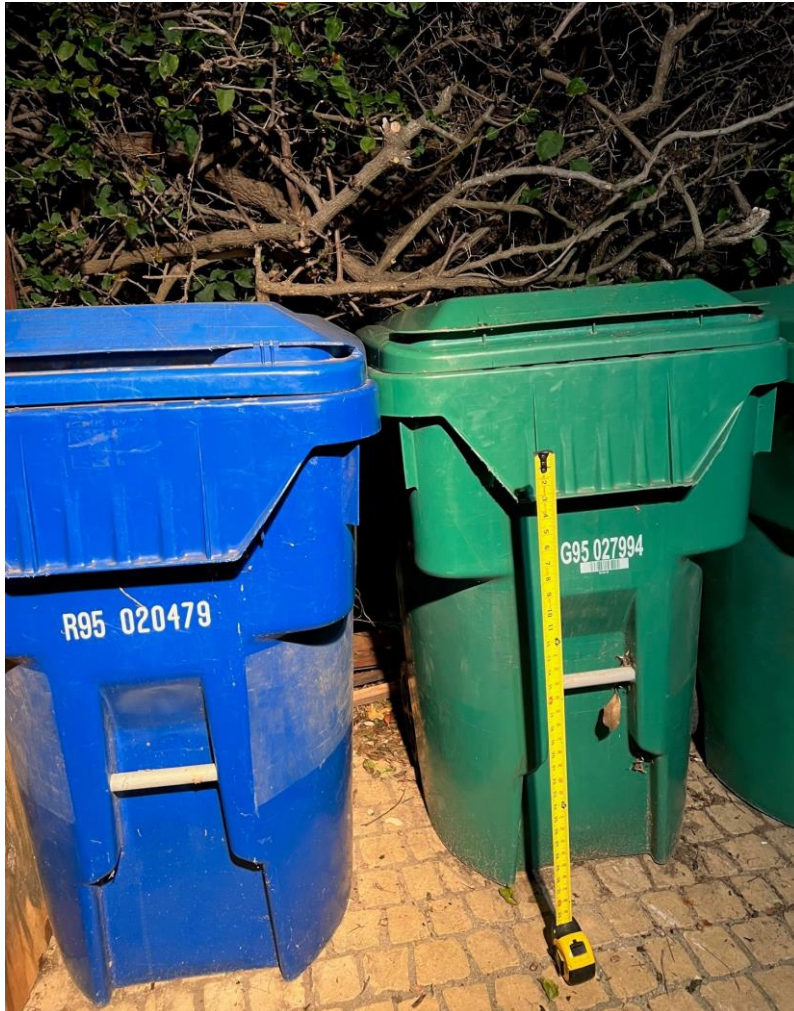
Thus, the trash enclosure is an unpermitted improvement.

Trash Enclosure

The proposed PL21-0035 plans fail to show where the new enclosure will be.



But the Staff Report describes 3' tall replacement fencing for the trash enclosure.



3' fencing will not adequately screen 3'10" trash cans.

A portion of the existing fencing is wire. Replacing wire fence with a solid wood fence violates Flood Plain Ordinance 4521.



The thousands of square feet of pebbles, fencing, trash enclosure raise the elevation and will exacerbate an existing flooding & drainage problem.



CZO 8178-4.1 states "New development shall be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works."



This CDP should be appealable to the Coastal Commission.

The Staff Report claims this Coastal Development Permit PL21-0035 is not appealable to the Coastal Commission because it is a minor revision to a previous permit, PL17-0084.

Yet the Notices to the Public clearly state Coastal Development Permit PL21-0035 is appealable to the Coastal Commission.

COUNTY OF VENTURA
PUBLIC HEARING NOTICE

May 2022

Planning Commission Notice

NOTICE IS HEREBY given that a public hearing will be held, as provided by the Commission of Ventura County, to consider and decide on Case No. PL21-0036.

Inquiries on this item and written comments may be directed to Angela Georgeff, Case Planner, at 805-654-5097 or via e-mail to Angela.Georgeff@ventura.org. The staff report is available on the Planning Division's website at <https://vcma.org/planning-commission> or at the Planning Division, a week before the Public Hearing.

Any person is privileged to attend, following social distancing protocols, and be heard on this matter. If you challenge the above-described action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the County of Ventura at, or prior to, the Public Hearing. This project is appealable to the Coastal Commission; therefore, no fee will be charged for appealing the decision.

To participate in the hearing and submit e-mailed comments, the day of the hearing, please go to the following weblink on Thursday, May 5, 2022, at 8:30 a.m.: <https://vcma.org/planning-commission>.

Video or Call in Public comments using Zoom: Register at <https://vcma.org/planning-commission> no later than 3:30 p.m. Wednesday, the day prior to the Planning Commission hearing. Please provide your name, email, and phone number you will be calling in from. You will receive an email with the Zoom meeting link and password by 5:00 a.m. the day of the Commission hearing.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this online hearing, please call (805) 654-2478.

Note: From time to time, hearings are cancelled or rescheduled. We recommend that you contact the Case Planner to confirm the public hearing date one day prior.

By: Dave Ward, AICP, Director
Ventura County Planning Division



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Center, H

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EMERGE
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Date: May

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Date Appli
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driveway ar

COUNTY OF VENTURA
PUBLIC HEARING NOTICE

NOTICE IS HEREBY given that a public hearing will be held, as provided by law, by the Board of Supervisors on the proposed project PL21-0035. The Board will consider the related CEQA determination for the project at this hearing.

Inquiries on this item may be directed to Jennifer M. Trunk, Case Planner, at (805) 654-2465 or via e-mail to Jennifer.Trunk@ventura.org. The Board materials for this item will be available Thursday, January 19, 2023 after 5:00 pm. The Board materials may be viewed on the Board of Supervisors website at www.ventura.org/bosagenda. Click on the Agenda under the heading Current and Upcoming Meetings.

PROVIDING PUBLIC COMMENTS:

Public comments may be provided using the following options:

- **E-Mail or Mail Written Comments in Advance of Hearing** – If you wish to make a written comment by email or mail, please submit your comment by noon on the day prior to the meeting. Submit to the Clerk of the Board at clerkoftheboard@ventura.org or mail to: Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009. Please indicate in the Subject Line the Agenda item number (e.g., Item No. 9) on which you are commenting. Your email or written comment will be distributed to the Board of Supervisors and placed into the item's record of the Board meeting.
- **In Person During Hearing** – If you wish to make a comment in-person, you must be present at the meeting location and provide your comment prior to the close of the public comment period for the item you wish to speak on.
- **On Zoom During Hearing** – Register at www.ventura.org/boscomment to provide public comment using Zoom. You must be connected to the meeting prior to the close of the public comment period for the item you wish to speak on. We encourage you to register in advance of the meeting to ensure that you receive the Zoom credentials prior to the item being heard.

If you challenge the above-described action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the County of Ventura at, or prior to, the Public Hearing. This project is appealable to the Coastal Commission.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this public hearing, please call (805) 654-2251 or submit a written request to the Clerk of the Board at 800 S. Victoria Avenue, Loc. #1920, Ventura, CA 93009. Any such request for accommodation should be made at least 48 hours prior to the scheduled hearing for which assistance is requested. Note: From time to time, hearings are cancelled or rescheduled. We recommend that you contact the Case Planner to confirm the public hearing date one day prior.

Para asistencia o información en español, llame al (805) 654-2805.

By: Dave Ward, AICP, Director
Ventura County Planning Division



January 2023 Board of Supervisors Notice



BOARD OF SUPERVISORS

In accordance with the California Public Records Act, the Board of Supervisors is providing the following information to the public. For more information, please visit <https://www.ventura.org/broadcasts/public-records>.

Date: 01/24/2023

Location: 800 S. Victoria Avenue, Room 1920, Ventura, CA 93009

Case Number: PL21-0035
Applicant: GRIFFIN ENTERPRISES, LLC
Project Location: 800 S. Victoria Avenue, Ventura, CA 93009
Assessor's Parcel Number: 010-010-010-010
Environmental Review: CEQA
Guidelines Section: 15.00

Date of Application: 01/10/2023
Project Description: Planned Development
Planned Development: Planned Development

The conditions of approval for PL17-0084 do not fit with the scope of work for PL21-0035.

For example, Condition #3

Conditions for PD Permit No. PL17-0084
Date of Public Hearing: December 13, 2018
Date of Approval: December 24, 2018

Permittee: GMB Elliott Family, LLC.,
Location: 8120 Puesta Del Sol, Ventura, CA
Page 4 of 24

Prior to construction activities, the Permittee shall install temporary construction fencing around the perimeter of the property to retain construction refuse and debris onsite. The temporary construction fencing shall be six feet high and shall be covered with material from the bottom to the top of the fencing, and along the entire length of the fencing to screen any unsightly conditions. The property shall be securely locked at the end of each construction day and when construction personnel are not present on the subject property. In addition, a trash bin(s) will be stored onsite during construction to contain and control trash and construction debris. All trash and debris must be placed in covered,

The scope of PL21-0035 CDP is completely unrelated to the scope of the previous PL17-0084 CDP.

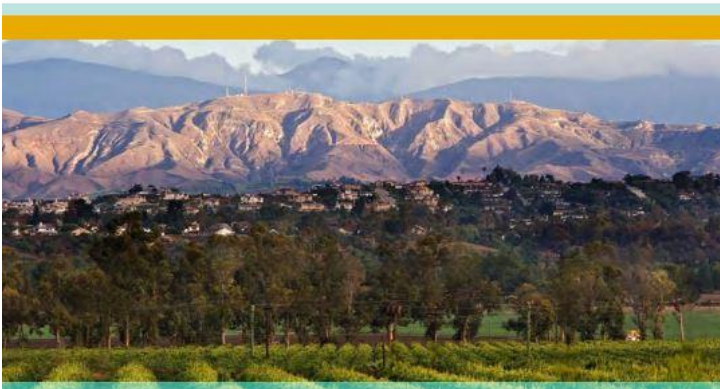
Project Description: The Applicant is requesting approval of a Coastal Planned Development (PD) Permit for a 525-square foot second story addition, new interior stairway, new 65 s.f. lattice overhang, and a first-floor renovation of the existing 1,930 sq. ft. beachfront single-family dwelling with an attached two-car carport positioned underneath the residence's master bedroom

Project Description: This matter involves the appeal of the Planning Commission's approval of a SPAJ (Case No. PL21-0035) to a Coastal PD Permit (Case No. PL17-0084) to replace an existing driveway and fence. The existing asphalt driveway would be removed and replaced with a concrete driveway, pedestrian paving squares, and Mexican beach pebbles. The pebbles will be confined to the designated areas by a landscape bender board or similar border. An existing six foot high fence located along the northeast and southwest property lines, including a trash enclosure located in the front setback adjacent to the southwest property line, will be replaced with a new fence, which will be three feet in height in the 20 foot front setback, and six feet in height in the remaining portion. To protect the roots of a cypress tree located on the neighboring property to the southwest (APN 008-0-170-340), the project description includes tree protection measures and monitoring included in the Arborist Field Report dated March 5, 2021, and amended on August 6, 2021, which are to be adhered to during construction.

Between PL17-0084 & PL21-0035 the Coastal Zoning Ordinance Update *and* a General Plan Update, so new law applies, and this new discretionary action should be appealable.

Ventura County

2040 General Plan



September 2020



HAZ-2

To minimize the loss of life, injury, property damage, and economic and social dislocations resulting from flooding, dam failure, seismic-induced flooding, post-fire debris flow, tsunamis, or other water inundation hazard.

HAZ-2.1

Principal Floodway Purpose

The County should limit land use in the regulatory floodway, as identified in the Ventura County Flood Plain Management Ordinance, limited to open space, agriculture, or passive to low intensity recreational uses, subject to the approval of the County Public Works Agency. The floodway's principal use should be maintained for safely conveying floodwater away from people and property while protecting ecological functions of the river. (RDR)

HAZ-2.2

Best Available Flood Hazard Information

The County shall continue to use the best available flood hazard information from local, regional, State, and Federal agencies to inform decision-making on appropriate land uses, discretionary development, and infrastructure investments. (SO, MPSP, RDR)

HAZ-2.3



Incompatible Land Uses in Floodplains

The County shall prohibit incompatible land uses and limit discretionary development within floodplains. (RDR)

HAZ-2.4

Low Impact Development Upstream of Military Installations

The County shall encourage discretionary development upstream of military installations to incorporate low impact designs that reduce the risk of flooding downstream. (RDR)

7-12

September 2020

7. Hazards and Safety Element



HAZ-2.5

Recordation of a Notice of Flood Hazard

The County shall require the recordation of a Notice of Flood Hazard with the County Recorder for all new discretionary entitlements (including subdivisions and land use permits) within areas subject to flooding as determined by the Federal Emergency Management Agency on the latest available Digital Flood Insurance Rate Maps (DFIRMs). (RDR)

HAZ-2.6

Recordation of a Notice of Dam Inundation Hazard

The County shall require the recordation of a Notice of Dam Inundation Hazard with the County Recorder for new discretionary entitlements (including subdivisions and land use permits) within areas subject to flooding from a dam breach as identified by the California Department of Water Resources Dam Inundation Maps. Evidence of a federally held flowage easement can be used as well. (RDR)

Thank you!

Any Questions?